

## **SWRCB Develop Flow Criteria for the Delta Ecosystem** (\*\*SWRCB-001-20100904-1)

---

**Staff Recommendation:** Proposed action be included in the Interim Plan and also be deemed complete.

---

### **Background**

Water Code §85086 (b), (c), (d) and (e) requires the State Water Resources Control Board (SWRCB) to develop new flow criteria for the Sacramento-San Joaquin Delta (Delta) ecosystem that are necessary to protect public trust resources. The purpose of the flow criteria is to inform planning decisions for the Delta Plan and the Bay Delta Conservation Plan. The statute specifies that the flow criteria shall not predetermine any issue that may arise in the SWRCB's subsequent consideration of a permit. SWRCB prepared an August 3, 2010 report detailing the development of the flow criteria. The report was transmitted to the Delta Stewardship Council (Council) on August 25, 2010 and SWRCB made a presentation to the Council at its August 26, 2010 meeting. The SWRCB report provides information regarding flows necessary to protect public trust resources in the Delta.

In developing the report, SWRCB followed the guidelines recommended for best available science including use of peer reviewed publications, scientific expert opinion and informal external review. However, the flow criteria report may not have been subjected to formal independent external peer review.

Staff recommends that the proposed action be included in the Interim Plan and also be deemed complete.

### **List of Attachments**

Attachment 1 – Committee Recommendation Options Submittal Form  
Attachment 2 – Checklist for Completeness  
Attachment 3 – Application for Consideration of a Plan or Project

### **Contact**

Kevan Samsam  
Senior Engineer

Phone: (916) 445-5011

## B.2. Application Form for Consideration of a Plan or Project

The Delta Reform Act creates the Delta Stewardship Council (Council) as an independent agency of the state (Wat. Code §85200). SBX7 1 (effective February 3, 2010) gives the Council several responsibilities, many linked to a comprehensive "Delta Plan," which the Council is charged to develop, adopt, and commence implementation of by January 1, 2012. The Council is also charged with developing an Interim Plan "...that includes recommendations for early actions, projects, and programs" (Wat. Code § 85084). The Council has set August 27, 2010, as the date for adoption of the Interim Plan. The Council uses the framework established in the Interim Plan to make recommendations based on its responsibilities under SBX7 1. After the Delta Plan is adopted, the Council decisions will become determinative.

### 1. Applicant Information

**Request:** Consideration as an early action: Develop Flow Criteria for the Delta Ecosystem

Consultation re plan: \_\_\_\_\_

Consultation re: possible covered action: \_\_\_\_\_

Other (please specify): \_\_\_\_\_

**Applicant Name:**

State Water Resources Control Board

Legal status (city, special district, firm, individual, etc.): \_\_\_\_\_

Address of applicant:

\_\_\_\_\_

Contact information: Name of responsible individual:

Leslie Grober

Role (officer, attorney, etc.): Program Manager

Address: 1001 I Street Sacramento, CA 95814

Email: lgrober@waterboards.ca.gov

Telephone: 916-341-5428

FINAL INTERIM PLAN – AUGUST 27, 2010

**Legally Responsible Entity Name (if different than Applicant):**

Legal status (city, special district, firm, individual, etc.):

Address of applicant:

Contact information: Name of responsible individual:

Role (officer, attorney, etc.):

Address:

Email:

Telephone:

**Plan or project purpose narrative, including legal authority. If an action is “urgent,” provide the rationale for urgency.**

Required per Water Code Section 85086(a)(b)(c)(d)

**Plan or project physical location and description (include geo-referencing latitude and longitude for projects):**

The Delta

## **2. Plan or Project Review by Public Agencies**

**Local Government Discretionary Approval(s):**

Yes \_\_\_\_\_ No ☒ If yes, describe: \_\_\_\_\_

**Delta Protection Commission Consistency Approval(s):**

Yes \_\_\_\_\_ No ☒ If yes, describe: \_\_\_\_\_

**Bay Conservation and Development Commission Permit:**

Yes \_\_\_\_\_ No ☒ If yes, describe: \_\_\_\_\_

**State Lands Commission:**

Yes \_\_\_\_\_ No ☒

FINAL INTERIM PLAN – AUGUST 27, 2010

- 1 **CalTrans:**
- 2 Yes \_\_\_\_\_ No X
- 3 **State Water Resources Control Board Permit:**
- 4 Yes \_\_\_\_\_ No X
- 5 **Regional Water Quality Control Board:**
- 6 Yes \_\_\_\_\_ No X Regional Board Number: \_\_\_\_\_
- 7 **California Dept. of Toxic Substances Control:**
- 8 Yes \_\_\_\_\_ No X
- 9 **California Department of Fish and Game Streambed Alteration Permit:**
- 10 Yes \_\_\_\_\_ No X
- 11 **DF&G Take Authorization:**
- 12 Yes \_\_\_\_\_ No X
- 13 **Other DF&G Permit:**
- 14 Yes \_\_\_\_\_ No X
- 15 **U.S. Army Corps of Engineers:**
- 16 Yes \_\_\_\_\_ No X Public Notice Number: \_\_\_\_\_
- 17 **U.S. Fish and Wildlife Service: Take Authorization**
- 18 Yes \_\_\_\_\_ No X
- 19 **Biological Opinion:**
- 20 Yes \_\_\_\_\_ No X
- 21 **NOAA Fisheries Service: Take Authorization**
- 22 Yes \_\_\_\_\_ No X
- 23 **Biological Opinion**
- 24 Yes \_\_\_\_\_ No X
- 25 **U.S. Coast Guard:**

1 Yes \_\_\_\_\_ No <sup>x</sup>\_\_\_\_\_

2 **Federal Funding:**

3 Yes \_\_\_\_\_ No <sup>x</sup>\_\_\_\_\_

4 **Describe any history of consideration by any other governmental agency and provide documentation**  
5 **of any actions taken.**

6 none

7 \_\_\_\_\_

8 \_\_\_\_\_

9 **3. Environmental Impact Documentation (must be completed**  
10 **by all applicants)**

11 **a. Is the project statutorily or categorically exempt from the need to prepare any environmental**  
12 **documentation?**

13 Yes \_\_\_\_\_ No not applicable

14 If "Yes," please attach a statement that identifies and supports this statutory or categorical exemption.

15 **b. Has a government agency other than the Council, serving as the lead agency, adopted a negative**  
16 **declaration or certified an environmental impact report or environmental impact statement on the**  
17 **project?**

18 Yes \_\_\_\_\_ No <sup>x</sup>\_\_\_\_\_

19 If "Yes," attach a copy of the document. If the environmental impact report or statement is longer than  
20 ten pages, also provide a summary of up to ten pages. If "No," provide sufficient information to allow  
21 the Council to make the necessary findings regarding all applicable policies. The certified document  
22 must be submitted prior to action on the application.

23 **4. Assessment against Delta Reform Act Policy Objectives**

24 Assess the proposed plan or project against the eight policy objectives listed below which "the  
25 legislature declares are inherent in the coequal goals for management of the Delta" (WC Section 85020).  
26 Provide a brief summary for the rationale for each assessment and reference to any supporting  
27 documentation (include URL links as appropriate).

28 **(a) Manage the Delta's water and environmental resources and the water resources of the state**  
29 **over the long term.**

30 Positive <sup>x</sup>\_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable

31 Rationale, magnitude of effect (if positive or negative) and documentation:

32 provides information

33 \_\_\_\_\_

FINAL INTERIM PLAN – AUGUST 27, 2010

**(b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable x

Rationale, magnitude of effect (if positive or negative) and documentation:

**(c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.**

Positive <sup>x</sup> \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable

Rationale, magnitude of effect (if positive or negative) and documentation:

provides information

**(d) Promote statewide water conservation, water use efficiency, and sustainable water use.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable x

Rationale, magnitude of effect (if positive or negative) and documentation:

**(e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.**

Positive <sup>x</sup> \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable

Rationale, magnitude of effect (if positive or negative) and documentation:

provides information

**(f) Improve the water conveyance system and expand statewide water storage.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable x

Rationale, magnitude of effect (if positive or negative) and documentation:

**(g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable x

FINAL INTERIM PLAN – AUGUST 27, 2010

Rationale, magnitude of effect (if positive or negative) and documentation:

**(h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable x

Rationale, magnitude of effect (if positive or negative) and documentation:

## 5. Assessment of Administration and Implementation Processes

**Cost of Project/Plan:** Please provide your best estimate of the total cost of the project or plan you are proposing. If this is a Plan, please provide an estimate of the annual operational or enforcement costs projected for the activity. Please list all sources used for developing the cost estimates

approximately \$500,000.00 to prepare the report (costs are still being calculated)

**Financing (provide information on public and private sources of funding, including funds on hand or legally pledged or obligated and the sources of those funds):**

Costs are to be reimbursed by State Water Project and Central Valley Project Contractors who rely on water diverted from the Sacramento River watershed

**Identify any public agencies (federal, state and local) whose actions or decisions are essential for the proposed action to succeed. Provide evidence of their approval and support of the proposed action:**

none

**If real property must be acquired or use altered for the success of the proposed action, identify the owners of that property and information on how ownership or use change will occur:**

not applicable

**Provide a time line for the proposed plan or project, including major milestones through completion:**

Report was transmitted to the Delta Stewardship Council on 8/25/10

FINAL INTERIM PLAN – AUGUST 27, 2010

**Describe how success or failure of the plan or project will be determined, including measures proposed, time frame and public agency responsible for judging success:**

not applicable

**Describe the major benefits that can result from the proposed plan or project, including identification of beneficiaries and any information on the magnitude and timing of benefits received:**

Report provides information to the Delta Stewardship Council, BDCP, and others regarding flows necessary to protect public trust resources in the Delta

**If the proposed plan or project fails, what is done? What additional costs could be incurred and how will they be financed? Identify any lasting effects or changed options for future policy making:**

not applicable

## **6. Scientific justification (to address requirement for Council use of best available science, Water Code section 85302(g)):**

**Describe any Attach description of scientific justification for the proposed plan or project and provide all related documents any pertinent documents. Address the criteria identified in Section 3 when preparing the scientific justification. Provide complete list of all scientific references cited-.**

Per the re resolution adopting the report: "The State Water Board has prepared a report determining flow criteria for the Delta ecosystem necessary to protect public trust resources. In developing the flow criteria, the State Water Board reviewed existing water quality objectives and used the best available scientific information." The report contains a list of references, including independently peer reviewed publications.

## **7. Applicant certifications and authorizations**

I certify that all of the information submitted is complete and accurate to the best of my knowledge and that all attached exhibits are full, complete and correct. I certify that I understand that omitted or insufficient information can delay consideration of this application. I certify that this application is not complete until accepted by the Council at a regularly scheduled meeting. I authorize the Council, its staff or other authorized personnel to share this information publicly and authorize their collection of additional information relevant to this application.

ORIGINAL SIGNED BY

9/3/2010

Signature of applicant or applicant's representative

Date

Printed name: Leslie Grober

Title: Manager Hearings and Special Programs



## **SWRCB Delta Watershed Diversion Collection and Reporting** **(\*\*SWRCB-002-20100904-1)**

---

**Staff Recommendation:** Proposed action be included in the Interim Plan.

---

### **Background**

Water Code §85086 (a) requires the State Water Resources Control Board (SWRCB) to establish an effective system for watershed diversion data collection and public reporting by December 31, 2010. A system of online reporting has been established (eWRIMS). Water right holders can now report water use on-line using eWRIMS. The system also allows the SWRCB to process and track water user-submitted documents. Future enhancements to the eWRIMS will allow certain water use data to be available on the internet.

Staff recommends that the proposed action be included in the Interim Plan.

### **List of Attachments**

Attachment 1 – Committee Recommendation Options Submittal Form  
Attachment 2 – Checklist for Completeness  
Attachment 3 – Application for Consideration of a Plan or Project

### **Contact**

Kevan Samsam  
Senior Engineer

Phone: (916) 445-5011

## B.2. Application Form for Consideration of a Plan or Project

The Delta Reform Act creates the Delta Stewardship Council (Council) as an independent agency of the state (Wat. Code §85200). SBX7 1 (effective February 3, 2010) gives the Council several responsibilities, many linked to a comprehensive “Delta Plan,” which the Council is charged to develop, adopt, and commence implementation of by January 1, 2012. The Council is also charged with developing an Interim Plan “...that includes recommendations for early actions, projects, and programs” (Wat. Code § 85084). The Council has set August 27, 2010, as the date for adoption of the Interim Plan. The Council uses the framework established in the Interim Plan to make recommendations based on its responsibilities under SBX7 1. After the Delta Plan is adopted, the Council decisions will become determinative.

### 1. Applicant Information

**Request:** Consideration as an early action: Delta watershed diversion data collection and reporting

Consultation re plan: \_\_\_\_\_

Consultation re: possible covered action: \_\_\_\_\_

Other (please specify): \_\_\_\_\_

**Applicant Name:**

State Water Resources Control Board

Legal status (city, special district, firm, individual, etc.): \_\_\_\_\_

Address of applicant:

\_\_\_\_\_

Contact information: Name of responsible individual:

Leslie Grober

Role (officer, attorney, etc.): Program Manager

Address: 1001 I Street Sacramento, CA 95814

Email: lgrober@waterboards.ca.gov

Telephone: 916-341-5428

FINAL INTERIM PLAN – AUGUST 27, 2010

**Legally Responsible Entity Name (if different than Applicant):**

Legal status (city, special district, firm, individual, etc.):

Address of applicant:

Contact information: Name of responsible individual:

Role (officer, attorney, etc.):

Address:

Email:

Telephone:

**Plan or project purpose narrative, including legal authority. If an action is “urgent,” provide the rationale for urgency.**

Required per Water Code Section 85086(a)

**Plan or project physical location and description (include geo-referencing latitude and longitude for projects):**

The Delta

## **2. Plan or Project Review by Public Agencies**

**Local Government Discretionary Approval(s):**

Yes \_\_\_\_\_ No ☒ If yes, describe: \_\_\_\_\_

**Delta Protection Commission Consistency Approval(s):**

Yes \_\_\_\_\_ No ☒ If yes, describe: \_\_\_\_\_

**Bay Conservation and Development Commission Permit:**

Yes \_\_\_\_\_ No ☒ If yes, describe: \_\_\_\_\_

**State Lands Commission:**

Yes \_\_\_\_\_ No ☒

FINAL INTERIM PLAN – AUGUST 27, 2010

- 1 **CalTrans:**
- 2 Yes \_\_\_\_\_ No X
- 3 **State Water Resources Control Board Permit:**
- 4 Yes \_\_\_\_\_ No X
- 5 **Regional Water Quality Control Board:**
- 6 Yes \_\_\_\_\_ No X Regional Board Number: \_\_\_\_\_
- 7 **California Dept. of Toxic Substances Control:**
- 8 Yes \_\_\_\_\_ No X
- 9 **California Department of Fish and Game Streambed Alteration Permit:**
- 10 Yes \_\_\_\_\_ No X
- 11 **DF&G Take Authorization:**
- 12 Yes \_\_\_\_\_ No X
- 13 **Other DF&G Permit:**
- 14 Yes \_\_\_\_\_ No X
- 15 **U.S. Army Corps of Engineers:**
- 16 Yes \_\_\_\_\_ No X Public Notice Number: \_\_\_\_\_
- 17 **U.S. Fish and Wildlife Service: Take Authorization**
- 18 Yes \_\_\_\_\_ No X
- 19 **Biological Opinion:**
- 20 Yes \_\_\_\_\_ No X
- 21 **NOAA Fisheries Service: Take Authorization**
- 22 Yes \_\_\_\_\_ No X
- 23 **Biological Opinion**
- 24 Yes \_\_\_\_\_ No X
- 25 **U.S. Coast Guard:**

1 Yes \_\_\_\_\_ No <sup>x</sup>\_\_\_\_\_

2 **Federal Funding:**

3 Yes \_\_\_\_\_ No <sup>x</sup>\_\_\_\_\_

4 **Describe any history of consideration by any other governmental agency and provide documentation**  
5 **of any actions taken.**

6 none

7 \_\_\_\_\_

8 \_\_\_\_\_

9 **3. Environmental Impact Documentation (must be completed**  
10 **by all applicants)**

11 **a.** Is the project statutorily or categorically exempt from the need to prepare any environmental  
12 documentation?

13 Yes \_\_\_\_\_ No not applicable

14 If "Yes," please attach a statement that identifies and supports this statutory or categorical exemption.

15 **b.** Has a government agency other than the Council, serving as the lead agency, adopted a negative  
16 declaration or certified an environmental impact report or environmental impact statement on the  
17 project?

18 Yes \_\_\_\_\_ No <sup>x</sup>\_\_\_\_\_

19 If "Yes," attach a copy of the document. If the environmental impact report or statement is longer than  
20 ten pages, also provide a summary of up to ten pages. If "No," provide sufficient information to allow  
21 the Council to make the necessary findings regarding all applicable policies. The certified document  
22 must be submitted prior to action on the application.

23 **4. Assessment against Delta Reform Act Policy Objectives**

24 Assess the proposed plan or project against the eight policy objectives listed below which "the  
25 legislature declares are inherent in the coequal goals for management of the Delta" (WC Section 85020).  
26 Provide a brief summary for the rationale for each assessment and reference to any supporting  
27 documentation (include URL links as appropriate).

28 **(a) Manage the Delta's water and environmental resources and the water resources of the state**  
29 **over the long term.**

30 Positive <sup>x</sup>\_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable

31 Rationale, magnitude of effect (if positive or negative) and documentation:

32 provides information

33 \_\_\_\_\_

FINAL INTERIM PLAN – AUGUST 27, 2010

**(b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable <sup>x</sup>

Rationale, magnitude of effect (if positive or negative) and documentation:

**(c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable <sup>x</sup>

Rationale, magnitude of effect (if positive or negative) and documentation:

**(d) Promote statewide water conservation, water use efficiency, and sustainable water use.**

Positive <sup>x</sup> \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable

Rationale, magnitude of effect (if positive or negative) and documentation:

provides information

**(e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable <sup>x</sup>

Rationale, magnitude of effect (if positive or negative) and documentation:

**(f) Improve the water conveyance system and expand statewide water storage.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable <sup>x</sup>

Rationale, magnitude of effect (if positive or negative) and documentation:

**(g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable <sup>x</sup>

FINAL INTERIM PLAN – AUGUST 27, 2010

Rationale, magnitude of effect (if positive or negative) and documentation:

**(h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable x

Rationale, magnitude of effect (if positive or negative) and documentation:

## 5. Assessment of Administration and Implementation Processes

**Cost of Project/Plan:** Please provide your best estimate of the total cost of the project or plan you are proposing. If this is a Plan, please provide an estimate of the annual operational or enforcement costs projected for the activity. Please list all sources used for developing the cost estimates

\$150,000 for improvements to the on-line water rights information management system, eWRIMS

**Financing (provide information on public and private sources of funding, including funds on hand or legally pledged or obligated and the sources of those funds):**

none

**Identify any public agencies (federal, state and local) whose actions or decisions are essential for the proposed action to succeed. Provide evidence of their approval and support of the proposed action:**

none

**If real property must be acquired or use altered for the success of the proposed action, identify the owners of that property and information on how ownership or use change will occur:**

not applicable

**Provide a time line for the proposed plan or project, including major milestones through completion:**

System of on-line reporting has been established

FINAL INTERIM PLAN – AUGUST 27, 2010

**Describe how success or failure of the plan or project will be determined, including measures proposed, time frame and public agency responsible for judging success:**

not applicable

**Describe the major benefits that can result from the proposed plan or project, including identification of beneficiaries and any information on the magnitude and timing of benefits received:**

Water right holders can now report water use on-line using eWRIMS. The system also allows the Division to process and track water user-submitted documents. Future enhancements to eWRIMS will allow certain water use data to be available on the internet.

**If the proposed plan or project fails, what is done? What additional costs could be incurred and how will they be financed? Identify any lasting effects or changed options for future policy making:**

not applicable

## **6. Scientific justification (to address requirement for Council use of best available science, Water Code section 85302(g)):**

**Describe any Attach description of scientific justification for the proposed plan or project and provide all related documents any pertinent documents. Address the criteria identified in Section 3 when preparing the scientific justification. Provide complete list of all scientific references cited-.**

not applicable

## **7. Applicant certifications and authorizations**

I certify that all of the information submitted is complete and accurate to the best of my knowledge and that all attached exhibits are full, complete and correct. I certify that I understand that omitted or insufficient information can delay consideration of this application. I certify that this application is not complete until accepted by the Council at a regularly scheduled meeting. I authorize the Council, its staff or other authorized personnel to share this information publicly and authorize their collection of additional information relevant to this application.

ORIGINAL SIGNED BY

9/3/2010

Signature of applicant or applicant's representative

Date

Printed name: Leslie Grober

Title: Manager, Hearings and Special Programs



## **SWRCB Instream Flow Studies Schedule and Costs to Legislature** **(\*\*SWRCB-003-20100904-1)**

---

**Staff Recommendation:** Proposed action and associated schedule be included in the Interim Plan.

---

### **Background**

Water Code §85087 requires the State Water Resources Control Board (SWRCB) to submit a prioritized schedule and estimate of costs to complete instream flow studies for the Delta and for high priority rivers and streams in the Delta Watershed, not otherwise covered by Section 85086, by 2010, and for all major rivers and streams outside the Sacramento River watershed by 2018. In developing this schedule, SWRCB shall consult with the Department of Fish and Game as to the timing of its submission of recommendations for instream flow needs.

Staff recommends that the proposed action and associated schedule be included in the Interim Plan.

### **List of Attachments**

Attachment 1 – Committee Recommendation Options Submittal Form

Attachment 2 – Checklist for Completeness

Attachment 3 – Application for Consideration of a Plan or Project

### **Contact**

Kevan Samsam  
Senior Engineer

Phone: (916) 445-5011

## B.2. Application Form for Consideration of a Plan or Project

The Delta Reform Act creates the Delta Stewardship Council (Council) as an independent agency of the state (Wat. Code §85200). SBX7 1 (effective February 3, 2010) gives the Council several responsibilities, many linked to a comprehensive “Delta Plan,” which the Council is charged to develop, adopt, and commence implementation of by January 1, 2012. The Council is also charged with developing an Interim Plan “...that includes recommendations for early actions, projects, and programs” (Wat. Code § 85084). The Council has set August 27, 2010, as the date for adoption of the Interim Plan. The Council uses the framework established in the Interim Plan to make recommendations based on its responsibilities under SBX7 1. After the Delta Plan is adopted, the Council decisions will become determinative.

### 1. Applicant Information

**Request:** Consideration as an early action: Instream Flow Studies Schedule and Costs to Legislature

Consultation re plan: \_\_\_\_\_

Consultation re: possible covered action: \_\_\_\_\_

Other (please specify): \_\_\_\_\_

**Applicant Name:**

State Water Resources Control Board

Legal status (city, special district, firm, individual, etc.): \_\_\_\_\_

Address of applicant:

\_\_\_\_\_

Contact information: Name of responsible individual:

Leslie Grober

Role (officer, attorney, etc.): Program Manager

Address: 1001 I Street Sacramento, CA 95814

Email: lgrober@waterboards.ca.gov

Telephone: 916-341-5428

FINAL INTERIM PLAN – AUGUST 27, 2010

**Legally Responsible Entity Name (if different than Applicant):**

Legal status (city, special district, firm, individual, etc.):

Address of applicant:

Contact information: Name of responsible individual:

Role (officer, attorney, etc.):

Address:

Email:

Telephone:

**Plan or project purpose narrative, including legal authority. If an action is “urgent,” provide the rationale for urgency.**

Required per Water Code Section 85087

**Plan or project physical location and description (include geo-referencing latitude and longitude for projects):**

The Delta Watershed and Statewide

## **2. Plan or Project Review by Public Agencies**

**Local Government Discretionary Approval(s):**

Yes \_\_\_\_\_ No ☒ If yes, describe: \_\_\_\_\_

**Delta Protection Commission Consistency Approval(s):**

Yes \_\_\_\_\_ No ☒ If yes, describe: \_\_\_\_\_

**Bay Conservation and Development Commission Permit:**

Yes \_\_\_\_\_ No ☒ If yes, describe: \_\_\_\_\_

**State Lands Commission:**

Yes \_\_\_\_\_ No ☒

FINAL INTERIM PLAN – AUGUST 27, 2010

- 1 **CalTrans:**
- 2 Yes \_\_\_\_\_ No X
- 3 **State Water Resources Control Board Permit:**
- 4 Yes \_\_\_\_\_ No X
- 5 **Regional Water Quality Control Board:**
- 6 Yes \_\_\_\_\_ No X Regional Board Number: \_\_\_\_\_
- 7 **California Dept. of Toxic Substances Control:**
- 8 Yes \_\_\_\_\_ No X
- 9 **California Department of Fish and Game Streambed Alteration Permit:**
- 10 Yes \_\_\_\_\_ No X
- 11 **DF&G Take Authorization:**
- 12 Yes \_\_\_\_\_ No X
- 13 **Other DF&G Permit:**
- 14 Yes \_\_\_\_\_ No X
- 15 **U.S. Army Corps of Engineers:**
- 16 Yes \_\_\_\_\_ No X Public Notice Number: \_\_\_\_\_
- 17 **U.S. Fish and Wildlife Service: Take Authorization**
- 18 Yes \_\_\_\_\_ No X
- 19 **Biological Opinion:**
- 20 Yes \_\_\_\_\_ No X
- 21 **NOAA Fisheries Service: Take Authorization**
- 22 Yes \_\_\_\_\_ No X
- 23 **Biological Opinion**
- 24 Yes \_\_\_\_\_ No X
- 25 **U.S. Coast Guard:**

FINAL INTERIM PLAN – AUGUST 27, 2010

1 Yes \_\_\_\_\_ No <sup>x</sup>\_\_\_\_\_

2 **Federal Funding:**

3 Yes \_\_\_\_\_ No <sup>x</sup>\_\_\_\_\_

4 **Describe any history of consideration by any other governmental agency and provide documentation**  
5 **of any actions taken.**

6 none

7 \_\_\_\_\_

8 \_\_\_\_\_

9 **3. Environmental Impact Documentation (must be completed**  
10 **by all applicants)**

11 **a.** Is the project statutorily or categorically exempt from the need to prepare any environmental  
12 documentation?

13 Yes \_\_\_\_\_ No not applicable

14 If "Yes," please attach a statement that identifies and supports this statutory or categorical exemption.

15 **b.** Has a government agency other than the Council, serving as the lead agency, adopted a negative  
16 declaration or certified an environmental impact report or environmental impact statement on the  
17 project?

18 Yes \_\_\_\_\_ No <sup>x</sup>\_\_\_\_\_

19 If "Yes," attach a copy of the document. If the environmental impact report or statement is longer than  
20 ten pages, also provide a summary of up to ten pages. If "No," provide sufficient information to allow  
21 the Council to make the necessary findings regarding all applicable policies. The certified document  
22 must be submitted prior to action on the application.

23 **4. Assessment against Delta Reform Act Policy Objectives**

24 Assess the proposed plan or project against the eight policy objectives listed below which "the  
25 legislature declares are inherent in the coequal goals for management of the Delta" (WC Section 85020).  
26 Provide a brief summary for the rationale for each assessment and reference to any supporting  
27 documentation (include URL links as appropriate).

28 **(a) Manage the Delta's water and environmental resources and the water resources of the state**  
29 **over the long term.**

30 Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable <sup>x</sup>

31 Rationale, magnitude of effect (if positive or negative) and documentation:

32 \_\_\_\_\_  
33 \_\_\_\_\_

FINAL INTERIM PLAN – AUGUST 27, 2010

**(b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable x

Rationale, magnitude of effect (if positive or negative) and documentation:

**(c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable x

Rationale, magnitude of effect (if positive or negative) and documentation:

**(d) Promote statewide water conservation, water use efficiency, and sustainable water use.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable x

Rationale, magnitude of effect (if positive or negative) and documentation:

**(e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable x

Rationale, magnitude of effect (if positive or negative) and documentation:

**(f) Improve the water conveyance system and expand statewide water storage.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable x

Rationale, magnitude of effect (if positive or negative) and documentation:

**(g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown Not Applicable x

FINAL INTERIM PLAN – AUGUST 27, 2010

Rationale, magnitude of effect (if positive or negative) and documentation:

**(h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable x

Rationale, magnitude of effect (if positive or negative) and documentation:

## 5. Assessment of Administration and Implementation Processes

**Cost of Project/Plan:** Please provide your best estimate of the total cost of the project or plan you are proposing. If this is a Plan, please provide an estimate of the annual operational or enforcement costs projected for the activity. Please list all sources used for developing the cost estimates

\$20,000.00 to prepare the report

**Financing (provide information on public and private sources of funding, including funds on hand or legally pledged or obligated and the sources of those funds):**

none

**Identify any public agencies (federal, state and local) whose actions or decisions are essential for the proposed action to succeed. Provide evidence of their approval and support of the proposed action:**

none

**If real property must be acquired or use altered for the success of the proposed action, identify the owners of that property and information on how ownership or use change will occur:**

not applicable

**Provide a time line for the proposed plan or project, including major milestones through completion:**

Report will be transmitted to the Legislature by 12/31/10

FINAL INTERIM PLAN – AUGUST 27, 2010

**Describe how success or failure of the plan or project will be determined, including measures proposed, time frame and public agency responsible for judging success:**

not applicable

**Describe the major benefits that can result from the proposed plan or project, including identification of beneficiaries and any information on the magnitude and timing of benefits received:**

Report provides information to the Legislature and others regarding the priority and costs to conduct instream flow studies for priority rivers and streams in the Delta Watershed and statewide

**If the proposed plan or project fails, what is done? What additional costs could be incurred and how will they be financed? Identify any lasting effects or changed options for future policy making:**

not applicable

**6. Scientific justification (to address requirement for Council use of best available science, Water Code section 85302(g)):**

**Describe any Attach description of scientific justification for the proposed plan or project and provide all related documents any pertinent documents. Address the criteria identified in Section 3 when preparing the scientific justification. Provide complete list of all scientific references cited-.**

not applicable

**7. Applicant certifications and authorizations**

I certify that all of the information submitted is complete and accurate to the best of my knowledge and that all attached exhibits are full, complete and correct. I certify that I understand that omitted or insufficient information can delay consideration of this application. I certify that this application is not complete until accepted by the Council at a regularly scheduled meeting. I authorize the Council, its staff or other authorized personnel to share this information publicly and authorize their collection of additional information relevant to this application.

ORIGINAL SIGNED BY

9/3/2010

Signature of applicant or applicant's representative

Date

Printed name: Leslie Grober

Title: Manager, Hearings and Special Programs



## Water4Fish Delta Cross Channel Gates (W4F -001-0220100904-2)

---

**Staff Recommendation:** Return application to applicant.

---

### **Background**

The applicant submitted an application for consideration of an early action to be considered by the Delta Stewardship Council (Council) in September 2010. The request is to close the Delta Cross Channel (DCC) gates located at Walnut Grove, CA between October 4, 2010 through October 16, 2010 and each succeeding like period in 2011 and beyond. The Delta Cross Channel gates are operated by the Bureau of Reclamation (Reclamation). The stated purpose of the proposed action is to improve migration of adult Mokelumne River Chinook salmon to their spawning grounds in the Mokelumne River and to the associated hatchery.

The application submitted is generally complete pending approval from the operator of the DCC gates (Reclamation), however there is inadequate scientific information provided by the applicant. The scientific rationale is difficult to assess provided the lack of justification provided. The scientific rationale for this proposed early action is not ready to inform decision making on an early action.

This project also contains larger potential regulatory issues that appear to be not adequately addressed. The operations of the DCC gates are currently regulated to protect the water quality in the Delta and the out-migrating salmonids from entering the Delta.

1. Any change may meet the definition of a project under the California Environmental Quality Act (CEQA) section 15378 because it would result in a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment, and would require analysis under CEQA. It is possible the proposed action is currently covered under an existing CEQA environmental document with another agency, however Staff is unaware of any such document, and would invite the applicant to provide a list of such documents.
2. In addition, Reclamation's current operating schedule does not allow for the closing of the DCC during the October 4 thru October 16 time period. Prior to any potential operational changes, Reclamation may need to consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, and possibly complete and analysis under National Environmental Policy Act.

**Delta Stewardship Council Committee – Early Actions Review**

**Meeting Date: September 14-15-2010**

**Early Action Project or Plan Review: Staff Recommendation**

Staff recommends the committee return the application to the applicant for submittal of environmental documentation and additional scientific justification.

**List of Attachments**

Attachment 1 – Committee Recommendation Options Submittal Form

Attachment 2 – Checklist for Completeness

Attachment 3 – Application for Consideration of a Plan or Project

**Contact**

Kevan Samsam  
Senior Engineer

Phone: (916) 445-5011

# **Appendix B. Early Action Review Processes and Plan or Project Review Application**

## **B.1 Early Action Review Processes**

Possible early actions should be considered under the framework of the adopted Interim Plan.

Priority for consideration should be given to early actions identified in SBX7 1 Part 2. "Early Actions" in Water Code sections 85080 through 85087 could be considered in September 2010.

Other possible early actions, including those recommended through public comments, should be screened against the legislative history criteria of urgency stated above. Those satisfying this screen could be considered in October and November 2010. Proposals received after November 1, 2010, may not be considered as "early actions." Additional early actions will be considered throughout the period of the Delta Plan preparation, at the discretion of the Council.

The Council should establish a two-member "early actions" committee to review identified possible early actions and make recommendations to the full Council (under Wat. Code § 85210(k)).

The Council committee should review possible early actions as identified and on the schedule in its work plan.

The early actions committee should consider possible early actions in public meetings, and should develop an agenda with designated time limits to ensure completing the reviews in the time allotted.

To promote efficient review of potential early actions, project proponents are strongly encouraged to complete the "Plan or project review application" (adopted by the council August 2010) and submit it to the council staff no less than thirty days (30) days before the committee meeting at which the item is scheduled, except that potential early actions scheduled for consideration in September 2010 may submit these materials no less twenty (20) days before the committee meeting at which the item is scheduled. If an application is deemed incomplete, the item will be removed from the agenda and may be rescheduled at the discretion of the council committee.

To promote efficient review of potential early actions, project proponents are strongly encouraged to submit materials electronically and also to deliver ten (10) hard copies to the Council offices. Applications and related materials will be posted to the Council website.

Public comments on the application will be invited, with a deadline of ten (10) days before the scheduled committee hearing, and those comments will be posted to the Council website.

Each application would be reviewed by Council staff or consultants, and a brief cover memo prepared identifying issues of particular relevance.

Each application should be reviewed by the Delta Science Program staff to identify the adequacy of scientific information available to support a committee recommendation and Council action using the standard of "best available science" required in statute and specified in the Interim Plan. If they judge the available scientific information inadequate, they may make a recommendation for any needed

FINAL INTERIM PLAN – AUGUST 27, 2010

1 additional scientific information. The committee would consider the Delta Science Program staff  
2 comments in making its recommendation to the full Council.

3 The committee could make one of the following recommendations on possible early actions, conveying  
4 its recommendation to the full Council in a brief report:

5 **No action at this time** (because \_\_\_\_\_)

6 **Additional information is needed** (and the item is rescheduled for \_\_\_\_\_, possibly not as an “early  
7 action”)

8 **Recommend the Council provide a positive recommendation (citing policy objectives advanced**  
9 \_\_\_\_\_)

10 **Recommend the Council provide a negative recommendation (citing policy objectives harmed or in**  
11 **conflict** \_\_\_\_\_)

12 **Recommend modifications to proposal as follows** (\_\_\_\_\_)

13 **Refer for consideration under the Delta Plan** (\_\_\_\_\_)

14

## B.2. Application Form for Consideration of a Plan or Project

The Delta Reform Act creates the Delta Stewardship Council (Council) as an independent agency of the state (Wat. Code §85200). SBX7 1 (effective February 3, 2010) gives the Council several responsibilities, many linked to a comprehensive “Delta Plan,” which the Council is charged to develop, adopt, and commence implementation of by January 1, 2012. The Council is also charged with developing an Interim Plan “...that includes recommendations for early actions, projects, and programs” (Wat. Code § 85084). The Council has set August 27, 2010, as the date for adoption of the Interim Plan. The Council uses the framework established in the Interim Plan to make recommendations based on its responsibilities under SBX7 1. After the Delta Plan is adopted, the Council decisions will become determinative.

### 1. Applicant Information

**Request:** Consideration as an early action: \_\_\_\_\_

Consultation re plan: \_\_\_\_\_

Consultation re: possible covered action: \_\_\_\_\_

Other (please specify): \_\_\_\_\_

**Applicant Name:** \_\_\_\_\_

Legal status (city, special district, firm, individual, etc.): \_\_\_\_\_

Address of applicant:  
\_\_\_\_\_

Contact information: Name of responsible individual:  
\_\_\_\_\_

Role (officer, attorney, etc.): \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

FINAL INTERIM PLAN – AUGUST 27, 2010

**Legally Responsible Entity Name (if different than Applicant):**

Legal status (city, special district, firm, individual, etc.): \_\_\_\_\_

Address of applicant:

\_\_\_\_\_

Contact information: Name of responsible individual:

\_\_\_\_\_

Role (officer, attorney, etc.): \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Plan or project purpose narrative, including legal authority. If an action is “urgent,” provide the rationale for urgency.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Plan or project physical location and description (include geo-referencing latitude and longitude for projects):**

\_\_\_\_\_  
\_\_\_\_\_

## **2. Plan or Project Review by Public Agencies**

**Local Government Discretionary Approval(s):**

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, describe: \_\_\_\_\_

**Delta Protection Commission Consistency Approval(s):**

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, describe: \_\_\_\_\_

**Bay Conservation and Development Commission Permit:**

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, describe: \_\_\_\_\_

**State Lands Commission:**

Yes \_\_\_\_\_ No \_\_\_\_\_

FINAL INTERIM PLAN – AUGUST 27, 2010

- 1    **CalTrans:**
- 2    Yes \_\_\_\_\_ No \_\_\_\_\_
- 3    **State Water Resources Control Board Permit:**
- 4    Yes \_\_\_\_\_ No \_\_\_\_\_
- 5    **Regional Water Quality Control Board:**
- 6    Yes \_\_\_\_\_ No \_\_\_\_\_      Regional Board Number: \_\_\_\_\_
- 7    **California Dept. of Toxic Substances Control:**
- 8    Yes \_\_\_\_\_ No \_\_\_\_\_
- 9    **California Department of Fish and Game Streambed Alteration Permit:**
- 10   Yes \_\_\_\_\_ No \_\_\_\_\_
- 11   **DF&G Take Authorization:**
- 12   Yes \_\_\_\_\_ No \_\_\_\_\_
- 13   **Other DF&G Permit:**
- 14   Yes \_\_\_\_\_ No \_\_\_\_\_
- 15   **U.S. Army Corps of Engineers:**
- 16   Yes \_\_\_\_\_ No \_\_\_\_\_      Public Notice Number: \_\_\_\_\_
- 17   **U.S. Fish and Wildlife Service: Take Authorization**
- 18   Yes \_\_\_\_\_ No \_\_\_\_\_
- 19            **Biological Opinion:**
- 20            Yes \_\_\_\_\_ No \_\_\_\_\_
- 21   **NOAA Fisheries Service: Take Authorization**
- 22   Yes \_\_\_\_\_ No \_\_\_\_\_
- 23            **Biological Opinion**
- 24            Yes \_\_\_\_\_ No \_\_\_\_\_
- 25   **U.S. Coast Guard:**

1 Yes \_\_\_\_\_ No \_\_\_\_\_

2 **Federal Funding:**

3 Yes \_\_\_\_\_ No \_\_\_\_\_

4 **Describe any history of consideration by any other governmental agency and provide documentation**  
5 **of any actions taken.**

6 \_\_\_\_\_  
7 \_\_\_\_\_

8

9 **3. Environmental Impact Documentation (must be completed**  
10 **by all applicants)**

11 **a.** Is the project statutorily or categorically exempt from the need to prepare any environmental  
12 documentation?

13 Yes \_\_\_\_\_ No \_\_\_\_\_

14 If “Yes,” please attach a statement that identifies and supports this statutory or categorical exemption.

15 **b.** Has a government agency other than the Council, serving as the lead agency, adopted a negative  
16 declaration or certified an environmental impact report or environmental impact statement on the  
17 project?

18 Yes \_\_\_\_\_ No \_\_\_\_\_

19 If “Yes,” attach a copy of the document. If the environmental impact report or statement is longer than  
20 ten pages, also provide a summary of up to ten pages. If “No,” provide sufficient information to allow  
21 the Council to make the necessary findings regarding all applicable policies. The certified document  
22 must be submitted prior to action on the application.

23 **4. Assessment against Delta Reform Act Policy Objectives**

24 Assess the proposed plan or project against the eight policy objectives listed below which “the  
25 legislature declares are inherent in the coequal goals for management of the Delta” (WC Section 85020).  
26 Provide a brief summary for the rationale for each assessment and reference to any supporting  
27 documentation (include URL links as appropriate).

28 **(a) Manage the Delta’s water and environmental resources and the water resources of the state**  
29 **over the long term.**

30 Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable \_\_\_\_\_

31 Rationale, magnitude of effect (if positive or negative) and documentation:

32 \_\_\_\_\_  
33 \_\_\_\_\_



FINAL INTERIM PLAN – AUGUST 27, 2010

**(b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable  
\_\_\_\_\_

Rationale, magnitude of effect (if positive or negative) and documentation:

**(c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable  
\_\_\_\_\_ Rationale, magnitude of effect (if positive or negative) and documentation:

**(d) Promote statewide water conservation, water use efficiency, and sustainable water use.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable  
\_\_\_\_\_ Rationale, magnitude of effect (if positive or negative) and documentation:

**(e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable  
\_\_\_\_\_ Rationale, magnitude of effect (if positive or negative) and documentation:

**(f) Improve the water conveyance system and expand statewide water storage.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable  
\_\_\_\_\_ Rationale, magnitude of effect (if positive or negative) and documentation:

**(g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable  
\_\_\_\_\_

Rationale, magnitude of effect (if positive or negative) and documentation:

**(h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.**

Positive \_\_\_\_\_ Negative \_\_\_\_\_ Neutral \_\_\_\_\_ Unknown \_\_\_\_\_ Not Applicable  
\_\_\_\_\_ Rationale, magnitude of effect (if positive or negative) and documentation:

\_\_\_\_\_  
\_\_\_\_\_

## 5. Assessment of Administration and Implementation Processes

**Cost of Project/Plan:** Please provide your best estimate of the total cost of the project or plan you are proposing. If this is a Plan, please provide an estimate of the annual operational or enforcement costs projected for the activity. Please list all sources used for developing the cost estimates

\_\_\_\_\_  
\_\_\_\_\_

**Financing (provide information on public and private sources of funding, including funds on hand or legally pledged or obligated and the sources of those funds):**

\_\_\_\_\_  
\_\_\_\_\_

**Identify any public agencies (federal, state and local) whose actions or decisions are essential for the proposed action to succeed. Provide evidence of their approval and support of the proposed action:**

\_\_\_\_\_  
\_\_\_\_\_

**If real property must be acquired or use altered for the success of the proposed action, identify the owners of that property and information on how ownership or use change will occur:**

\_\_\_\_\_  
\_\_\_\_\_

**Provide a time line for the proposed plan or project, including major milestones through completion:**

\_\_\_\_\_  
\_\_\_\_\_

**Describe how success or failure of the plan or project will be determined, including measures proposed, time frame and public agency responsible for judging success:**

\_\_\_\_\_  
\_\_\_\_\_

**Describe the major benefits that can result from the proposed plan or project, including identification of beneficiaries and any information on the magnitude and timing of benefits received:**

\_\_\_\_\_  
\_\_\_\_\_

**If the proposed plan or project fails, what is done? What additional costs could be incurred and how will they be financed? Identify any lasting effects or changed options for future policy making:**

\_\_\_\_\_  
\_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

**6. Scientific justification (to address requirement for Council use of best available science, Water Code section 85302(g)):**

**Attach description of scientific justification for the proposed plan or project and provide any pertinent documents. Address the criteria identified in Section 3 when preparing the scientific justification. Provide complete list of all scientific references cited.**

**7. Applicant certifications and authorizations**

I certify that all of the information submitted is complete and accurate to the best of my knowledge and that all attached exhibits are full, complete and correct. I certify that I understand that omitted or insufficient information can delay consideration of this application. I certify that this application is not complete until accepted by the Council at a regularly scheduled meeting. I authorize the Council, its staff or other authorized personnel to share this information publicly and authorize their collection of additional information relevant to this application.

_____	_____
Signature of applicant or applicant’s representative	Date
Printed name: _____	Title: _____

**Attachment 1**  
**Cross Channel Gates Closure Action**  
**Additional Project Narrative Statement**

Applicant requests the closure of the Delta Cross Channel gates located at Walnut Grove California for the period of October 4, 2010 through October 16, 2010 and each succeeding like period in 2011 and beyond. The purpose of the closure is to alter Delta flows as an ecosystem recovery step to improve the migration of adult Mokelumne River Chinook salmon to their spawning grounds in the Mokelumne River and to the Mokelumne River salmon hatchery.

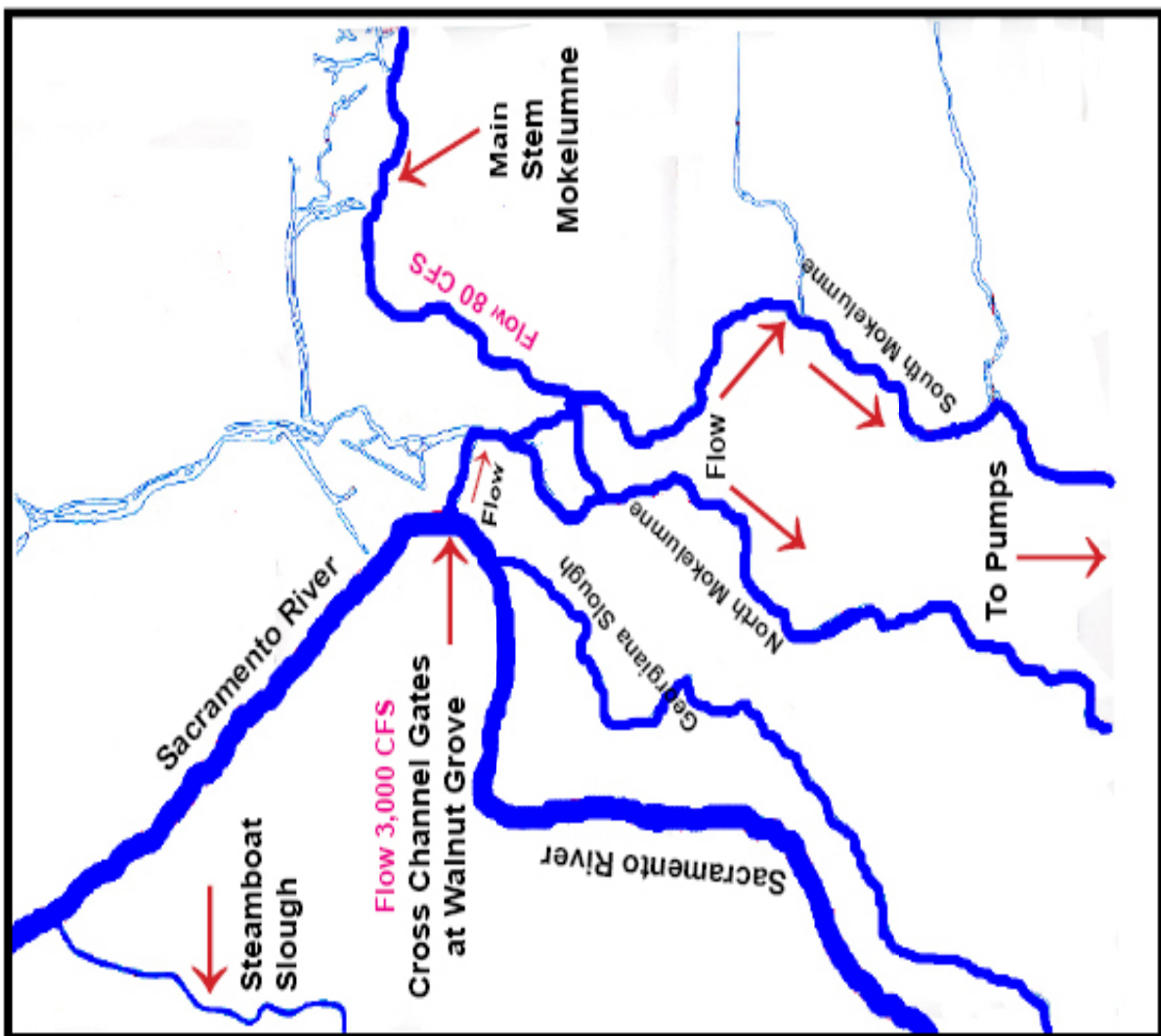
The Mokelumne River Fish Hatchery (MRFH) is the most modern salmon hatchery in the state. When it runs at full production it is unmatched in its efficient production of smolts and its contribution to the state's salmon fishery. The Mokelumne River itself contains prime habitat water flow, temperature and gravel conditions for the successful natural spawning of wild Chinook salmon.

In the last few years, the Delta water operations in the fall of the year have virtually shut the hatchery down and curtailed much of the natural spawning. The problem occurs as the adult salmon are attempting to return to the Mokelumne River and the hatchery in the fall. The Mokelumne River has a relatively small watershed. During the upmigration period for the fall run, flows in the main stem Mokelumne where it enters the Delta can be as low as 100 cfs in normal and below normal runoff years due to water contracts and agricultural water demands and preservation of the coldwater pool. At the same time the flow through the nearby cross channel gates can reach up to 3,000 cfs, all of which flows through the Mokelumne (North and South Forks) as the conveyance channel to the South Delta and the pumping facilities. The large component of Sacramento River water in the Mokelumne River at this location is an important contributor to straying of Mokelumne origin fall run salmon. If the salmon sense the smell, they will turn into the main stem Mokelumne. If they miss the smell they will go into the heavy flow and go through the cross channel gates. These fish are then strays in the Sacramento River system. A map of the showing the Mokelumne and Cross Channel gates interface is attached.

In 2008 only 49 females found their way back to the Mokelumne hatchery virtually shutting it down. The hatchery needs 2,000 females to meet its full production and its mitigation requirements. In 2009 the problem continued and more Mokelumne fish ended up at the Nimbus hatchery than Nimbus fish. By closing the Cross Channel gates as an adaptive management measure during the peak adult salmon migration period, the biologists at the fishery agencies and at the East Bay Municipal Utility District believe straying to the American River would be reduced and Mokelumne escapement would increase. East Bay MUD owns the hatchery and it is operated by the California Department of Fish and Game.

To compliment the Cross Channel gates closure, East Bay Mud at their own expense has reserved a pool of cold water which will be used in this same period for two significant cold water pulse flows down the Mokelumne to attract the salmon. Pulse flows are a common salmon attraction practice in many watersheds.

# Cross Channel Gates and Mokelumne River Map



**Attachment 2**  
**Science Opinion - Cross Channel Gate Closure Action**  
**Section 6 Science justification (to address requirement for Council use of best**  
**available science, Water Code section 85302(g))**

It is the best science opinion of the state, federal and independent fishery scientists involved in the evaluations of the salmon production needs of the Mokelumne River and the Mokelumne salmon hatchery that this proposed action represents a “best science” step towards solving these production problems.

In 2009 over 50% of known Mokelumne origin salmon strayed to the American River. Using the constant fractional marking ratio (25% of production marked) results in an estimated 1,600 Mokelumne origin salmon returning to the American River instead of the Mokelumne. Not only does the straying affect the ability of the Mokelumne to sustain a viable Chinook salmon population, it also impacts the genetic integrity of the American River population. As it stands, Nimbus Hatchery spawns a significant number of Mokelumne origin salmon while leaving American origin salmon to spawn naturally. If straying is reduced through the DCC closure the proportion of American origin salmon spawned in the Nimbus Fish Hatchery would increase.

The attached letter dated April 20, 2010 to the Bureau of Reclamation from the Lower Mokelumne River Partnership (partnership) represents the science conclusions of the fishery agencies and the East Bay Municipal Utility District. It was the culmination of multiple meetings of the Mokelumne River Technical Committee and the Partnership Steering Committee. Scientist from EBMUD, CDFG, USFWS, and NMFS have been discussing various adaptive management strategies that could be implemented within the lower Mokelumne River to improve returns to the river in the midst of the Central Valley salmon population collapse. Changes have been made to release locations and flow schedules to improve returns. The partnership committee has concluded that adding a DCC closure during the attraction pulse flow would likely increase the returns to the Mokelumne River and decrease straying to the American River. Closing the DCC gates represents the best available technology for solving this problem.

The following scientists support this statement and are available for additional information.

Jose Setka  
Supervising Fishery Biologist  
East Bay Municipal Utility District  
(209) 365-1467  
[jsetka@ebmud.com](mailto:jsetka@ebmud.com)

Joe Johnson  
Sr. Environmental Scientist  
Calif. Dept. of Fish and Game  
(916) 358-2943  
[jrjohnson@dfg.ca.gov](mailto:jrjohnson@dfg.ca.gov)

Howard Brown  
Sacramento Area Manager  
National Marine Fishery Service  
(916) 930-3608  
[Howard.brown@noaa.gov](mailto:Howard.brown@noaa.gov)



## The Lower Mokelumne River Partnership

Partnership Steering  
Committee:



**California Department of  
Fish & Game**

**Kent Smith**  
Acting Regional Manager  
1701 Nimbus Rd., Suite A  
Rancho Cordova, CA 95670



**East Bay Municipal  
Utility District**

**Alexander R. Coate**  
Director of Water & Natural  
Resources  
375 Eleventh St., M.S. 901  
Oakland, CA 94607



**U.S. Fish & Wildlife  
Service**

**Kathy Wood**  
Asst. Field Supervisor  
3310 El Camino Ave., Suite 130  
Sacramento, CA 95821

**To Protect and  
Enhance the Lower  
Mokelumne River  
Ecosystem**

April 20, 2010

Mr. Ronald Milligan  
Operations Manager  
Bureau of Reclamation  
Central Valley Operations Office  
3310 El Camino Avenue, Suite 300  
Sacramento, CA 95281

Dear Mr. Milligan:

The California Department of Fish and Game (CDFG), the US Fish and Wildlife Service (USFWS) and East Bay Municipal Utility District (EBMUD) jointly oversee the management of the Mokelumne River fishery. With the concurrence of CDFG and USFWS, EBMUD is planning an adaptive management action to store water in Camanche Reservoir for an attraction flow in October 2010 to draw Chinook salmon into the Mokelumne River. The National Marine Fisheries Service also concurs with this adaptive management action. It is anticipated that the attraction flow would occur in the first half of October, contingent with Chinook salmon staging in the Bay and Delta. One independent, non-Mokelumne factor which is believed to increase straying is the operation of the Delta Cross Channel (DCC) during the up-migration season. When the DCC is open, the Mokelumne River becomes the conveyance corridor for Sacramento River water serving the export pumps in the south Delta.

To maximize the effectiveness of the Mokelumne River attraction flow, CDFG, USFWS and EBMUD jointly request that the DCC remain in the closed position during the timeframe of October 3-15. This action will help minimize straying of Mokelumne salmon to the American River and other river systems.

If you have any questions or concerns regarding this correspondence, please contact Robert Vincik of CDFG at [rvicik@cdf.ca.gov](mailto:rvicik@cdf.ca.gov), Donald Ratcliff of USFWS at [donald\\_ratcliff@usfws.gov](mailto:donald_ratcliff@usfws.gov) or Joe Miyamoto of EBMUD at [jmiyamoto@ebmud.com](mailto:jmiyamoto@ebmud.com).

Sincerely,

  
Kent Smith

  
Alexander R. Coate

  
Kathy Wood

RECEIVED

APR 22 2010

SACRAMENTO FISH  
& WILDLIFE OFFICE

DEPT. OF FISH & GAME  
APR 21 2010  
REGION 2

**Attachment 3**  
**Cross Channel Gates Closure Action**  
**Statement of CEQA Exemption**

**CEQA**  
**Article 20. Definitions**  
**Sections 15350 to 15387**

**CEQA section 15378 defines a “project”. The Gates Closure Action does not fall under the definition of a project.**

**Section 15378. Project**

(a) “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and that is any of the following:

(1) an activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.

(b) Project does not include:

(5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

**CEQA**  
**Article 19. Categorical Exemptions**  
**Sections 15300 to 15333**

**The Gate Closure Action is exempt under section 15307**

**Section 15307. Actions by Regulatory Agencies for the Protection of Natural Resources.**

Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural

resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the Department of Fish and Game.

This project has included

1. 40,000 AF of water to be used as a pulse flow.
2. Short release schedule

This project has involved measures to protect the environmental.

Joseph Johnson  
Senior Environmental Scientist  
CDFG